

REMARKS

Entry of the foregoing and further and favorable consideration of the subject application is respectfully requested and such action is earnestly solicited.

Entry of the present amendment is proper under 37 C.F.R. § 1.116 because the Amendment places the application in condition for allowance for the reasons discussed herein; does not raise any new issue requiring further search and/or consideration because the amendments amplify issues previously discussed throughout prosecution; does not present any additional claims; and places the application in better form for an appeal should an appeal be necessary. The Amendment is necessary and was not earlier presented because it is made in response to arguments raised in the final rejection. Entry of the Amendment, reexamination and further and favorable reconsideration of the subject application in light of the following remarks, pursuant to and consistent with 37 C.F.R. § 1.116, are thus respectfully requested.

By the present amendment, Claims 13 and 14 have been canceled, without prejudice to or disclaimer of the subject matter contained therein. Applicants expressly reserve the right to file a continuation or divisional application on any subject matter canceled by the present amendment. Claim 3 has been amended to correct a typographical error. Claim 15 has been amended to recite the limitations of current Claims 1, 6, 13, and 15. Applicants note that the criterion of wetting is supported, at least, by page 6, lines 11-12 of the present specification. No new matter has been added.

Allowable Subject Matter

Applicants gratefully acknowledge the Examiner's indication that Claims 1-12, and 16-20 are allowable.

Rejections Under 35 U.S.C. § 102(b)/103(a)

Claims 13 and 15 stand rejected under 35 U.S.C. § 102(b) as allegedly anticipated by, or in the alternative, under 35 U.S.C. § 103(a) as obvious over Malson (U.S. Patent No. 4,963,666). Claim 13 has been canceled by the present amendment, thereby mooting this rejection as it applies to this claim. This rejection, to the extent that it may apply to Claim 15, as amended, is respectfully traversed.

By the present amendment, Claim 15 has been amended to recite "An absorbent hygiene article comprising a superabsorbent crosslinked, comminuted and dried acidic polysaccharide containing 0.3-3.0 carboxyl groups per monosaccharide unit, wherein said superabsorbent acidic polysaccharide has a pH of below 5 when wetted."

To anticipate a claim under 35 U.S.C. § 102 or render obvious a claim under 35 U.S.C. § 103, a reference (or references) must disclose or suggest each and every element of the presently claimed invention. Applicants respectfully submit that Malson does not disclose or suggest absorbent hygiene articles, but rather film-like materials such as wound dressings. Additionally, Malson does not describe comminution, but rather film formation. Accordingly, Malson does not disclose or suggest each and every element of the presently claimed invention. Therefore Malson cannot anticipate, nor render obvious, the presently claimed invention. Withdrawal of this rejection is respectfully requested.

Claims 13-15 stand rejected under 35 U.S.C. § 102(b) as purportedly anticipated by, or in the alternative, under 35 U.S.C. § 103(a) as obvious over EP 0 202 127 (Berg et al.). Claims 13 and 14 have been canceled by the present amendment, thereby mooting this rejection. This rejection, to the extent that it may apply to Claim 15, as amended, is respectfully traversed.

Claims 13-15 stand rejected under 35 U.S.C. § 103(a) as allegedly obvious over Berg et al. and Assarson et al. (U.S. Patent No. 3,901,236). Claims 13 and 14 have been canceled by the present amendment, thereby mooting this rejection. This rejection, to the extent that it may apply to Claim 15, is respectfully traversed.

As noted above, Claim 15 has been amended to recite "An absorbent hygiene article comprising a superabsorbent crosslinked, comminuted and dried acidic polysaccharide containing 0.3-3.0 carboxyl groups per monosaccharide unit, wherein said superabsorbent acidic polysaccharide has a pH of below 5 when wetted."

Applicants respectfully submit that Berg et al. do not describe comminution of the polymer. Further Berg et al. do not describe a polysaccharide containing 0.3-3.0 carboxyl group per monosaccharide unit. The only carboxyl-containing polysaccharide mentioned by Berg et al. is carboxymethylcellulose (CMC). However, no carboxyl content, nor exemplification is found in the Berg et al. publication. Assarson et al. (referred to by Berg et al.) mentions a long list of polymers (cols. 3-4), but no other carboxyl containing polysaccharide other than CMC. Therefore, Assarson et al. does not remedy the deficiencies of the Berg et al. publication.

Accordingly, Applicants respectfully submit that neither the Berg et al. nor the Assarson et al. publication, either alone or in combination, disclose or suggest each and every element of the presently claimed invention. Therefore, the cited publications cannot anticipate, nor render obvious, the presently claimed invention. Withdrawal of these rejections are respectfully requested.

Conclusions

From the foregoing, further and favorable consideration in the form of a Notice of Allowance is respectfully requested and such action is earnestly solicited.

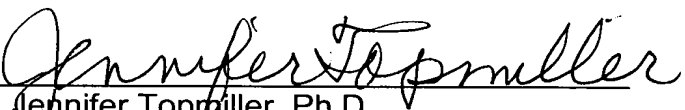
If there are any questions concerning this amendment, or the application in general, the Examiner is respectfully requested to telephone Applicant's undersigned representative so that prosecution may be expedited.

Respectfully submitted,

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Date: January 28, 2004

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